

## REMARKS/ARGUMENTS

Claims 1 – 19 are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks.

In the outstanding Office Action, the Examiner rejected claims 1 – 8 and 10 – 18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0083920 to Richards et al. (hereinafter referred to as “*Richards*”); and the Examiner rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over *Richards* in view of an EFR Executive Committee and Pallet Subcommittee “Assessing Pallet Cost in Foodservice” paper (hereinafter referred to as “*the EFR paper*”).

By this Response and Amendment, claim 1 has been amended and claim 19 is newly added. Support can be found in the originally filed specification at page 9, line 21 through page 10, line 7 and at page 16, lines 5 – 25. Applicant respectfully submits that the no new matter, within the meaning of 35 U.S.C. §132, has been introduced.

### Response to Prior Art Rejections

Claim 1 has been amended and as amended, Applicant respectfully traverses the rejection since all of the features of the presently claimed subject matter are not disclosed, taught or suggested by the cited reference.

Independent claim 1 recites “...a first party *transferring ownership* of one or more empty reusable shipping structures to a second party at a first value  $x$ ...; a third party *acquiring ownership* of said one or more reusable shipping structures from said second party at a second value  $y$ ..., wherein said second value  $y$  is less than said first value  $x$ .”

The *Richards* method is a pallet tracking and retrieval process. The pallet remains the property of the shipper who originally purchased the pallet. *Richards* discloses that an identifying mark placed on

the pallet provides the documentation of this ownership.

In contrast to the presently claimed subject matter, *Richards* does not disclose, teach or suggest “transferring ownership of one or more empty reusable shipping structures” or “a third party acquiring ownership of said one or more reusable shipping structures.” Ownership of a pallet in *Richards* is never transferred from one party to another. Rather the pallet remains the property of a “broker” who tracks the pallet. If the Examiner disagrees with Applicant, the Applicant respectfully requests that the Examiner specifically cite to where in the *Richards* disclosure transfer of ownership of the pallets is disclosed.

Moreover, *Richards* does not disclose, teach or suggest “wherein said second value y is less than said first value x.” The Examiner noted that paragraphs 31 and 32 of *Richards* disclose this claimed feature; however, nowhere in *Richards* is it disclosed that ownership of a pallet is acquired for a value less than a previous value.

With respect to the rejection of claim 9 as being obvious in view of *Richards* and the EFR Paper, Applicant respectfully submits that claim 9 is patentable over the cited references due to its dependence on amended independent claim 1 and that the EFR paper fails to cure the above deficiencies of *Richards*.

Therefore, as the cited references do not disclose, teach or suggest all features of the claimed subject matter, Applicant submits that the claimed subject matter is patentable thereover. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 102(b).

#### MISCELLANEOUS

Applicant respectfully submits that new claim 19 is patentable over the cited references due to its dependence on amended independent claim 1. Accordingly, Applicants respectfully request allowance thereof.

### CONCLUSION

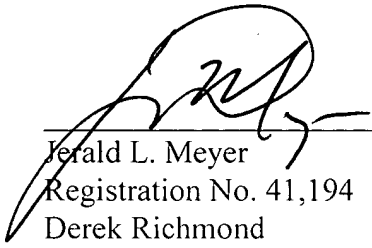
In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,  
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